

AMERICA'S  
PUBLIC  
TELEVISION  
STATIONS

October 1, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: MM Docket No. 86-440; File No. BPCT-860410KP;  
File No. BPCT-860410KQ

Dear Ms. Roman Salas:

The Association of America's Public Television Stations ("APTS") hereby notifies the Commission of the following ex parte filing regarding the above-captioned matter. We have enclosed fourteen (14) copies, along with a stamp and return copy which we would appreciate you returning to us.

Should any questions arise concerning this matter, please contact the undersigned.

Respectfully submitted,



Lonna Thompson  
Director, Legal Affairs  
Association of America's Public Television Stations

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ENCLOSURE

2413

DAVID J. BRUGGER  
PRESIDENT



October 1, 1999

Commissioner Susan Ness  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

Re: MM Docket No. 86-440; File No. BPCT-860410KP;  
File No. BPCT-860410KQ

Dear Commissioner Ness:

It has come to my attention that the Federal Communications Commission is contemplating allotting and assigning television Channel 19 in Charlottesville, Virginia to a commercial applicant. This action would displace the Channel 19 translator operations of a noncommercial educational television licensee, Shenandoah Valley Educational Television, which provides important noncommercial programming and other public services to the local community of Charlottesville. Further, the displacement action would occur without affording the citizens of that community, as well as other interested parties, opportunity for notice or comment on the new channel allotment.

In filings before the Commission, Shenandoah Valley's counsel has ably documented the legal, procedural, and policy problems with the channel change request in the current proceeding. These problems arose because the commercial applicant, Charlottesville Broadcasting Company, has attempted to amend its pending application for channel 64 by substituting a petition for an allotment and an immediate construction permit for NTSC channel 19. Grant of the channel substitution would be without the benefit of the notice and comment period required for any change to the Table of Allotments in accordance with the Communications Act, Commission rules and the Administrative Procedure Act.

In particular, granting a license in this manner does not allow sufficient notice to the citizens of Charlottesville and the surrounding areas who may lose a valuable source of noncommercial educational programming. Throughout the nation, noncommercial educational television stations have been providing valuable services to their communities. As is the case with Shenandoah Valley, the scope

Commissioner Susan Ness  
October 1, 1999  
Page 2

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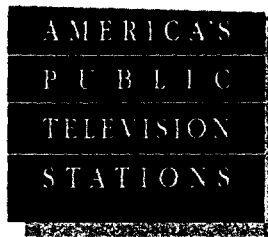
Sincerely,

A handwritten signature in black ink, appearing to read "David J. Brugger". The signature is fluid and cursive, with the first name "David" being more prominent.

David J. Brugger, President and CEO  
America's Public Television Stations

cc: John I. Riffer, Esq.  
Assistant General Counsel—Administrative Law Division  
Office of General Counsel  
Federal Communications Commission  
James W. Shook, Esq.  
Mass Media Bureau  
Federal Communications Commission  
Christopher J. Reynolds, Esq.  
Counsel for National Radio Astronomy Observatory  
Robert M. Gurss, Esq.  
Counsel for APCO  
James R. Bayes, Esq.  
Counsel for Viacom  
Gene A. Bechtel, Esq.  
Counsel for Lindsay Television, Inc.  
Jonathan Blake, Esq.  
Counsel for Shenandoah Valley Educational Television Corporation  
Katrina Renouf, Esq.

DAVID J. BRUGGER  
PRESIDENT



October 1, 1999

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Chairman William E. Kennard  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

Re: MM Docket No. 86-440; File No. BPCT-860410KP;  
File No. BPCT-860410KQ

Dear Chairman Kennard:

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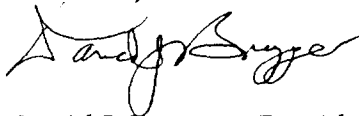
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Chairman William E. Kennard  
October 1, 1999  
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David J. Brugger, President and CEO  
America's Public Television Stations

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Jonathan Blake, Esq.  
Counsel for Shenandoah Valley Educational Television Corporation  
Katrina Renouf, Esq.

DAVID J. BRUGGER  
PRESIDENT



October 1, 1999

Commissioner Harold Furchtgott-Roth  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

Re: MM Docket No. 86-440; File No. BPCT-860410KP;  
File No. BPCT-860410KQ

Dear Commissioner Furchtgott-Roth:

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Commissioner Harold Furchtgott-Roth  
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Jonathan Blake, Esq.  
Counsel for Shenandoah Valley Educational Television Corporation  
Katrina Renouf, Esq.

DAVID J. BRUGGER  
PRESIDENT



October 1, 1999

Commissioner Michael K. Powell  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

Re: MM Docket No. 86-440; File No. BPCT-860410KP;  
File No. BPCT-860410KQ

Dear Commissioner Powell:

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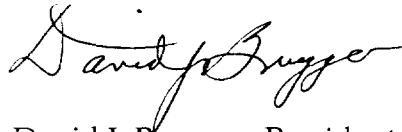
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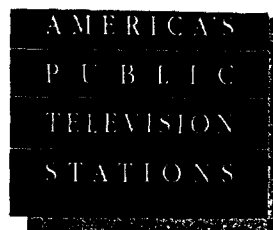
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DAVID J. BRUGGER  
PRESIDENT



October 1, 1999

Commissioner Gloria Tristani  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

Re: MM Docket No. 86-440; File No. BPCT-860410KP;  
File No. BPCT-860410KQ

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